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EXAMINER

LINDSEY, MATTHEW S

ART UNIT

PAPER NUMBER

2451

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/814,119	Applicant(s) OYAMA ET AL.	
	Examiner MATTHEW S. LINDSEY	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-39 are pending in this application. Claims 1, 5, 23, 25, 32, 36 and 38 are amended as filed on 1 October 2008.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 October 2008 has been entered.

Specification

3. The disclosure is objected to because of the following informalities:

4. The instant specification disclosed: "it is not effected unless forcible shutting-down is requested" ([0087], lines 9-10). This appears to be a typographical error and will be treated as "it is not effected unless forcible shutting-down is requested".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 5, 9, 17-19, 21, 28, 32-33 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau (US 2003/0135860 A1) in view of Anderson (6,005,631).**

7. With respect to Claim 1, Dureau disclosed: "A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising:

a data generator that generates data transmitted to a data reception apparatus (Figure 1, sources 13-15, 18-19, [0025], lines 3);

a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29);

a transmitter/receiver that transmits and receives data to and from the data reception apparatus ([0042], lines 3-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)", and

“an individual compatibility information storage in which is stored a first function identification table ([0043], lines 10-13) with reference to which data communication functions used to perform data communication with the data reception apparatus are identified respectively for individual items of specific data with which the data reception apparatus permits itself to be identified ([0043], lines 10-13),

wherein, when the specific data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4), with reference to the first function identification table in the individual compatibility information storage, the data communication functions recognized from the specific data are identified and are brought into effect so that the data transmission apparatus is brought into a state communicable with the data reception apparatus that has transmitted the specific data thereto ([0047], lines 4-22) and

wherein, based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the individual compatibility information storage ([0047], lines 12-14, and 21-22, Fig 6, steps 610 and 612 where it is determined that the format is supported, or the format to communicate with the reception apparatus does exist in the compatibility information storage), the data transmission apparatus performs function changing to suit the data communication functions used to perform data communication with the data reception apparatus ([0047], lines 21-22, where the format is supported, and then the data is transcoded) and on completion of the function changing (Fig 6, steps 612 and 614, where, when transcoding is required, data is conveyed after it is transcoded, [0047],

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lines 21-22), transmits a function change completion signal to the data reception apparatus indicating the function changing is complete ([0047], lines 21-22, where data is transcoded and conveyed, and as shown by Fig 6, steps 612, and 614, transcoding takes place before conveying, hence by conveying the information it is inherent that function changing, or transcoding, is complete) and transmission of data is possible ([0034], lines 10-11, where each device may support TCP, and it is well known that when initializing a connection in TCP communications a three way hand shake is used with a SYN packet to initialize connection, indicating transmission is possible)”).

Dureau did not explicitly state: “where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section”.

However, Anderson disclosed: “where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22); a system control section that determines whether or not shutting-down is requested through an operation (any method of shutting-down is requested through an operation), or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section (Col. 10, lines 21-23, where the system can differentiate between the power button which toggles the on/off state immediately and the sleep button, which sets a sleep timer to turn off the device after a certain time)”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

With respect to Claim 5, Dureau disclosed: “A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising:

- a data generator that generates data transmitted to a data reception apparatus (Figure 1, sources 13-15, 18-19, [0025], lines 3-5);

- a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29);

- a decryption section (Col. 12, lines 10-11, specifically the encryption/decryption engine) to decrypt data received from the data reception apparatus (Col. 12, lines 10-11, where the encrypted packets are processed by the encryption/decryption engine);

- a transmitter/receiver that transmits and receives data to and from the data reception apparatus ([0042], lines 3-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)”, and

“an individual compatibility information storage in which is stored a first function identification table ([0043], lines 10-13) in which are recorded data communication functions corresponding respectively to individual codes contained in function data with which the reception apparatus permits data communication functions used for communication therewith to be identified ([0044], lines 9-13),

wherein, when the specific data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4), with reference to the first function identification table in the individual compatibility information storage, the data communication functions recognized from the codes contained in the function data are identified and are brought into effect so that the data transmission apparatus is brought into a state communicable with the data reception apparatus that has transmitted the specific data thereto ([0047], lines 4-22, in conjunction with the IDs of [0044], lines 9-13), and

wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet ([0034], lines 1-15, where some devices can only communicate via high frequency signals, lines 5-7, and others support packet based communication, lines 10-12, and the receiver may offer transcoding required for devices to communicate with each other or the internet, lines 12-15) and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption ([0034], lines 10-15, where a device may protocols that are not encrypted, such as HTTP, and it is inherent to function that the receiver will not subject packets arriving through unencrypted protocols to decryption), and

wherein the data packet is analyzed by the data analyzer to identify the data communication functions ([0044], lines 9-13)".

Dureau did not explicitly state: "where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section".

However, Anderson disclosed: "where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22); a system control section that determines whether or not shutting-down is requested through an operation (any method of shutting-down is requested through an operation), or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section (Col. 10, lines 21-23, where the system can differentiate between the power button which toggles the on/off state immediately and the sleep button, which sets a sleep timer to turn off the device after a certain time)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a

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typical remote control and disclosed the functions of the remote in more detail than Dureau.

8. With respect to Claim 9, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 5, wherein the transmitter/receiver receives, for each data reception apparatus, specific data with which the data reception apparatus permits itself to be identified and that differs from one data reception apparatus to another (Dureau, [0042], lines 10-15, by registering the secondary device is permitting itself to be identified, and it is conceivable that two different secondary devices may register with different configuration data), wherein in the individual compatibility information storage is further stored a first apparatus table in which are registered the specific data of any data reception apparatus with which the transmission apparatus can communicate (Dureau, [0042], lines 10-15, specific data includes configuration data), and wherein, when the specific data is fed through the transmitter/receiver to the data analyzer, with reference to the first apparatus table in the individual compatibility information storage, whether or not the data transmission apparatus can communicate with the data reception apparatus identified based on the specific data is checked (Dureau, [0046], lines 2-11)”.

9. With respect to Claim 17, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1 wherein the data exchanged with the data reception apparatus is copyrighted data (Dureau, [0004], lines 8-9 “television

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programs” are copyrighted data), and the data communication functions that are changed include a copyright encrypting method used by the data generator (Dureau, [0035], lines 1-4 and 8-10, where for example the data is in the proprietary format of “Windows Media Player” (line 4), which includes support for optional encryption methods, these encryption methods may be removed or converted when transcoding the data to a different format, as per lines 8-10”).

10. With respect to Claim 18, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1, wherein the data exchanged with the data reception apparatus is AV data (Dureau, [0035], lines 1-2), and the data communication functions that are changed include at least one of data formats used by the data generator as corresponding to a compression method, a resolution, a bit rate, and a frame rate of a video signal in the AV data (Dureau, [0035], lines 8-10, and lines 13-15, it is well known in the art that data formats “MPEG 1, 2 or 4” [0035], line2, include audio and visual data encoded in different compression methods, resolutions, bit rates and frame rates)”.

11. With respect to Claim 19, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1, wherein the data exchanged with the data reception apparatus is AV data (Dureau, [0035], lines 1-2), and the data communication functions that are changed include at least one of data formats used by the data generator as corresponding to a compression method and a bit rate of an audio

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signal in the AV data (Dureau, [0035], lines 8-10, and lines 13-15, it is well known in the art that data formats “MPEG 1, 2 or 4” [0035], line2, include audio and visual data encoded in different compression methods and bit rates)”.

12. With respect to Claim 21, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1, wherein the data communication functions that are changed include a data format used by the data analyzer to analyze the data received from the data reception apparatus in the transmitter/receiver (Dureau, [0035], lines 8-10)”.

13. With respect to Claim 28, the combination of Dureau and Anderson disclosed: “A data communication system (Dureau, Abstract, lines 1-3) comprising: the data transmission apparatus according to claim 1 (see Claim 1 rejection above); and the data reception apparatus that performs data communication with the data transmission apparatus (Dureau, [0033], lines 9-13), wherein, when the data transmission apparatus performs data communication with the data reception apparatus, the data communication functions compatible with the data reception apparatus are used (Dureau, [0035], lines 10-13)”.

14. With respect to Claim 32, Dureau disclosed: “A data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data) comprising: a data generator (Figure 1, sources 13-15, 18-19, [0025], lines 3); a transmitter/receiver for

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transmitting data and receiving data from a data reception apparatus ([0042], lines 3-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)", "a data analyzer that analyzes data received from the data reception apparatus ([0033], lines 27-29)", and "an individual compatibility information storage storing a first function identification table ([0043], lines 10-13) including a first plurality of data communication protocols ([0042], lines 5-15) and at least two identifiers associated with at least two of the first plurality of data communication protocols ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details); wherein, when a first identifier is received by the data analyzer, and the first identifier is one of the at least two identifiers stored in the first function identification table, the data transmission apparatus uses the protocol associated with the first identifier to transmit data ([0042], lines 15-17) directly to data receiving apparatus ([0044], lines 16-18) using the protocol that conforms to the protocol of the data receiving apparatus ([0042], lines 3-10)".

Dureau did not explicitly state: "where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section".

However, Anderson disclosed: “where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22); a system control section that determines whether or not shutting-down is requested through an operation (any method of shutting-down is requested through an operation), or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section (Col. 10, lines 21-23, where the system can differentiate between the power button which toggles the on/off state immediately and the sleep button, which sets a sleep timer to turn off the device after a certain time)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

15. With respect to Claim 33, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 32 wherein said at least two identifiers identify a first and a second data reception apparatus (Dureau, [0043], lines 10-13, figure 4, objects 320A-H)”.

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16. With respect to Claim 36, Dureau disclosed: “A data reception apparatus ([0033], lines 9-12) comprising: a data generator ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); a transmitter/receiver for transmitting data and receiving data from a data transmission apparatus ([0034], lines 1-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)”, and “an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a device may support SSL, which encrypts information, and thus the device must have an encryption section); a data analyzer that analyzes data received from the data transmission apparatus ([0033], lines 17-18); and a specific data storage ([0042], lines 17-19) in which is stored a code indicative of a data communication protocol used by the data reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details), said data storage code being transmitted without being encrypted by the encryption section ([0034], lines 10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus by the transmitter/receiver ([0042], lines 10-15)”.

Dureau did not explicitly state: “where the control data includes a start-up request and a shutting-down request”.

However, Anderson disclosed: “where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

17. With respect to Claim 37, the combination of Dureau and Anderson disclosed: “A data reception apparatus according to claim 36 wherein the code uniquely identifies the data reception apparatus (Dureau, [0043], lines 10-13, figure 4, objects 320A-H)”.

18. With respect to Claim 38, Dureau disclosed: “A method of transmitting data (Abstract, lines 1-3) comprising the steps of: providing a data transmission apparatus (Figure 3, object 340 is capable of receiving and transmitting data); providing a first function identification table ([0043], lines 10-13) including a first plurality of data communication protocols ([0042], lines 5-15) and at least one identifier associated with at least one of the plurality of data communication protocols ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do

not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details); receiving a first identifier from a data reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is performed so the configuration details do not have to be checked upon receiver start up, [0042], lines 17-19, inherently using something to identify the configuration details), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)", and "based on the occasion that the first identifier is stored in the first function identification table, causing the data transmission apparatus to transmit data using the data communication protocol associated with the first identifier ([0042], lines 5-17) in order for the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication protocol of the data receiving apparatus ([0042], lines 3-10)".

Dureau did not explicitly state: "where the control data includes a start-up request and a shutting-down request; a system control section that determines whether or not shutting-down is requested through an operation, or through reception of the control data from the data reception apparatus, or with a timer setting in the system control section".

However, Anderson disclosed: "where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22); a system control section that determines whether or not shutting-down is requested through an operation (any method of shutting-down is requested through an operation), or through reception of the control data from the data reception apparatus, or with a

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timer setting in the system control section (Col. 10, lines 21-23, where the system can differentiate between the power button which toggles the on/off state immediately and the sleep button, which sets a sleep timer to turn off the device after a certain time)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

19. Claims 2-3, 6-7, 10, 23, 25-27, 29-31, 34, 35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dureau and Anderson in view of Ludtke et al. (Patent No: US 6,233,611 B1).

20. With respect to Claim 2, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1, further comprising: a communication interface (Dureau, [0038], lines 2-5, specifically “modem 316”) that performs communication with a data communication administration server that administers (Dureau, [0046], lines 8-11)” and “wherein, if it is recognized that the specific data received by the data transmitter/receiver is not registered in the first

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function identification table in the individual compatibility information storage, the data transmission apparatus receives, through the communication interface, contents of the second function identification table stored for the data transmission apparatus itself in the data communication administration server, and updates the first function identification table therewith (Dureau, [0046], lines 8-14)".

The combination of Dureau and Anderson did not explicitly state: "for each data transmission apparatus, a second function identification table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data of the data reception apparatus and the data communication functions identified based on the specific data".

However Ludtke disclosed: "for each data transmission apparatus, a second function identification table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data of the data reception apparatus and the data communication functions identified based on the specific data (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau and Anderson with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau and Anderson with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

21. With respect to Claim 3, the combination of Dureau, Anderson and Ludtke disclosed: “The data transmission apparatus according to claim 2, wherein in the data communication administration server are stored software programs that respectively realize the individual data communication functions (Dureau, [0046], lines 8-14, where the “subunits 520A may comprise software modules or objects for performing transcoding functions” [0045], second Col., lines 3-5), and wherein, if it is recognized that any of the software programs that realize the data communication functions identified with reference to the first function identification table based on the specific data received by the transmitter/receiver is not present in the data transmission apparatus itself (Dureau, [0046], lines 8-9), the data transmission apparatus receives, through the communication interface, the software program from the data communication administration server, and brings into effect the data communication functions identified based on the specific data (Dureau, [0046], lines 8-14)”.

22. With respect to Claim 6, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 5, further comprising: a communication interface (Dureau, [0038], lines 2-5, specifically “modem 316”) that performs communication with a data communication administration server (Dureau, [0046], lines 8-11)” and “wherein, if it is recognized that any of the codes contained in the function data received by the data transmitter/receiver is not registered in the first function identification table in the individual compatibility information storage, the data

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transmission apparatus receives, through the communication interface, contents of the second function identification table stored in the data communication administration server, and updates the first function identification table therewith (Dureau, [0046], lines 8-14)”

The combination of Dureau and Anderson did not explicitly state: “that administers a second function identification table in which are registered the data communication functions assigned to all the codes contained in the function data”.

However Ludtke disclosed: “that administers a second function identification table in which are registered the data communication functions assigned to all the codes contained in the function data (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau and Anderson with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau and Anderson with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

23. With respect to Claim 7, the combination of Dureau, Anderson and Ludtke disclosed: “The data transmission apparatus according to claim 6, wherein in the data communication administration server are stored software programs that respectively realize the individual data communication functions (Dureau, [0046], lines 8-14, where

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the “subunits 520A may comprise software modules or objects for performing transcoding functions” [0045], second Col., lines 3-5), and wherein, if it is recognized that any of the software programs that realize the data communication functions identified with reference to the first function identification table based on the function data received by the transmitter/receiver is not present in the data transmission apparatus itself (Dureau, [0046], lines 8-9), the data transmission apparatus receives, through the communication interface, the software program from the data communication administration server, and brings into effect the data communication functions identified based on the function data (Dureau, [0046], lines 8-14)”.

24. With respect to Claim 10, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 9, further comprising: a communication interface (Dureau, [0038], lines 2-5, specifically “modem 316”) that performs communication with a data communication administration server (Dureau, [0046], lines 8-11)” and “wherein, if it is recognized that the specific data received by the data transmitter/receiver is not registered in the first apparatus table in the individual compatibility information storage, the data transmission apparatus receives, through the communication interface, contents of the second apparatus table stored for the data transmission apparatus itself in the data communication administration server, and updates the first apparatus table therewith (Dureau, [0046], lines 8-14)”.

The combination of Dureau did not explicitly state: “that administers, for each data transmission apparatus, a second apparatus table in which are registered, for each

data reception apparatus with which the data transmission apparatus can communicate, the specific data”.

However Ludtke disclosed: “that administers, for each data transmission apparatus, a second apparatus table in which are registered, for each data reception apparatus with which the data transmission apparatus can communicate, the specific data (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau and Anderson with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau and Anderson with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

25. With respect to Claim 23, Dureau disclosed: “A data reception apparatus ([0033], lines 9-12) comprising: a data analyzer that analyzes data received from a data transmission apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); a transmitter/receiver that transmits and receives data to and from the data transmitting apparatus ([0034], lines 1-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)”, and

“wherein the specific data read out from the specific data storage is transmitted from the transmitter/receiver to the data transmission apparatus so that a data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus ([0042], lines 10-17) in order for the data receiving apparatus to directly receive data from the data transmission apparatus ([0044], lines 16-18) that conforms to the data communication function used to perform data communication with the data reception apparatus ([0047], lines 9-11)”.

Dureau did not explicitly state: “where the control data includes a start-up request and a shutting-down request” or “and a specific data storage in which is stored specific data with which the data reception apparatus permits itself to be identified”.

However, Anderson disclosed: “where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

The combination of Dureau and Anderson did not explicitly state: “and a specific data storage in which is stored specific data with which the data reception apparatus permits itself to be identified”.

However Ludtke disclosed: “and a specific data storage (Col. 6, lines 52-55) in which is stored specific data with which the data reception apparatus permits itself to be identified (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include a specific data storage to store codes on the secondary devices. Motivation for this comes from Dureau, “In one embodiment, secondary devices 320 may register with receiver 12. This registration may include configuration information corresponding to a secondary device” [0042], lines 10-12. By combining these references, the secondary devices of Dureau have specific data storage, from Ludtke, on which to store the configuration data so they may register with the receiver.

With respect to Claim 25, Dureau disclosed: “A data reception apparatus comprising: a data analyzer that analyzes data received from a data transmission apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); an encryption section to encrypt data to be transmitted to the data transmission apparatus ([0034], lines 10-15, where a

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device may support SSL, which encrypts information, and thus the device must have an encryption section); a transmitter/receiver that transmits and receives data to and from the data transmitting apparatus ([0034], lines 1-4), wherein the data transmission apparatus receives control data from the data reception apparatus ([0039], lines 12-18)", and "with which the data reception apparatus permits a data communication function that needs to be used in communication therewith to be identified ([0042], lines 10-11), wherein the function data read out from the specific data storage is transmitted from the transmitter/receiver without being encrypted by the encryption section ([0034], lines 10-15, where the device may support protocols with encryption or without, and the data sent to the receiver can be sent through either protocol, being encrypted or unencrypted) to the data transmission apparatus so that the data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is identified and brought into a state communicable with the data reception apparatus ([0042], lines 10-15 specifically state the "secondary devices may register with receiver 12.", to register the device must communicate the information to the receiver using transmitter/receiver)"

Dureau did not explicitly state: "where the control data includes a start-up request and a shutting-down request" or "and a specific data storage in which is stored function data composed of codes".

However, Anderson disclosed: "where the control data includes a start-up request and a shutting-down request (Fig. 10, object 244 and Col. 10, lines 21-22)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Anderson to include support for receiving start-up and shutting-down commands from a data reception apparatus. Motivation to combine these references comes from the system of Dureau disclosing the use of a remote controller (see [0039], lines 12-18), but not explicitly stating the functions available on the remote. The system of Anderson uses a typical remote control and disclosed the functions of the remote in more detail than Dureau.

The combination of Dureau and Anderson did not explicitly state: “and a specific data storage in which is stored specific data with which the data reception apparatus permits itself to be identified”.

However Ludtke disclosed: “and a specific data storage (Col. 6, lines 52-55) in which is stored function data composed of codes (Col. 3, lines 10-15)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include a specific data storage to store codes on the secondary devices. Motivation for this comes from Dureau, “In one embodiment, secondary devices 320 may register with receiver 12. This registration may include configuration information corresponding to a secondary device” [0042], lines 10-12. By combining these references, the secondary devices of Dureau have specific data storage, from Ludtke, on which to store the configuration data so they may register with the receiver.

26. With respect to Claim 26, the combination of Dureau, Anderson and Ludtke disclosed: "The data reception apparatus according to claim 25 wherein in the specific data storage (Ludtke, Col. 6, lines 52-55) is also stored specific data that permits the data transmission apparatus itself to be identified and that differs from one data reception apparatus to another (Dureau, [0044], lines 9-10), and the specific data is transmitted along with the function data from the transmitter/receiver (Dureau, [0044], lines 11-13)"

27. With respect to Claim 27, the combination of Dureau, Anderson and Ludtke disclosed: "The data reception apparatus according to claim 26 wherein in the specific data storage (Ludtke, Col. 6, lines 52-55) is stored apparatus data composed of the specific data and the function data (Dureau, [0042], lines 10-15), and the apparatus data is transmitted from the transmitter/receiver (Dureau, [0042], lines 10-11, where registering with the receiver includes passing the configuration data)".

28. With respect to Claims 29, the combination of Dureau, Anderson and Ludtke disclosed: "A data communication system (Dureau, Abstract, lines 1-3) comprising: the data reception apparatus according to claim 23; and the data transmission apparatus that performs data communication with the data reception apparatus (Dureau, [0033], lines 9-13), wherein, when the data transmission apparatus performs data

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communication with the data reception apparatus, the data communication functions compatible with the data reception apparatus are used (Dureau, [0035], lines 10-13)".

29. With respect to Claim 30, the combination of Dureau, Anderson and Ludtke disclosed: "A data communication system (Dureau, Abstract, lines 1-3) comprising: the data reception apparatus according to claim 25; and the data transmission apparatus that performs data communication with the data reception apparatus (Dureau, [0033], lines 9-13), wherein, when the data transmission apparatus performs data communication with the data reception apparatus, the data communication functions compatible with the data reception apparatus are used (Dureau, [0035], lines 10-13)".

30. With respect to Claim 31, the combination of Dureau, Anderson and Ludtke disclosed: "A data communication administration server ([0046], lines 8-11) comprising: a communication interface that exchanges data with the data transmission apparatus according to claim 2; and a recording device for storing data transmitted from the communication interface to the data transmission apparatus ([0046], lines 8-14, for the internet site or broadcast station to offer subunits, which can be software modules ([0045], second Col., lines 3-5), it is implicit that there exists some recording device to store the software units offered)".

31. With respect to Claim 34, the combination of Dureau and Anderson disclosed: "The data transmission apparatus according to claim 32". The combination of Dureau

and Anderson did not explicitly state “wherein said at least two identifiers do not uniquely identify a first and a second data reception apparatus.”

However, Ludtke disclosed: “wherein said at least two identifiers (Col. 5, lines 59-61, two identifiers being “module name and the local ID”) do not uniquely identify a first and a second data reception apparatus (Col. 5, lines 59-61, where the two different identifiers from above, name and device ID, are common to the same device)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include an identification method where two identifiers are used to identify the same device. Motivation to combine these references comes from providing a device ID and a more human friendly name for each device. It has been long known in the art that devices identified by numbers (such as internet protocol addresses) are addressable by hostnames to make addressing the device more human friendly. Therefore by combining the data delivery system of Dureau with the identification method of Ludtke, one can address devices in a more human friendly way.

32. With respect to Claim 35, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 32, further comprising: a communication interface (Dureau, [0038], lines 2-5, specifically “modem 316”) for communicating with a data communication administration server (Dureau, [0046], lines 8-11)” and “and at least one identifier associated with at least one of the second plurality of data communication protocols (Dureau, [0042], lines 5-15, where it is

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inherent that the communication protocol will be identified by some identifier, and since there are multiple protocols available, to differentiate there will be at least as many identifiers as protocols); wherein, based on an occasion that the first identifier received by the data analyzer is not one of the at least two identifiers stored in the first function identification table, the data transmission apparatus receives, through the communication interface, data from the second function identification table to update the first function identification table (Dureau, [0046], lines 11-14)”

The combination of Dureau and Anderson did not explicitly state: “storing a second function identification table”.

However Ludtke disclosed: “storing a second function identification table (Col. 3, lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication protocols (Col. 3, lines 10-15, specifically “control protocols”)”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific structure to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

33. With respect to Claim 39, the combination of Dureau and Anderson disclosed: “The method of claim 38 including the additional steps of: providing a data communication interface (Dureau, [0038], lines 2-5, “modem 316”); providing a data

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communication administration server (Dureau, [0046], lines 8-11)” and “and at least one identifier associated with at least one of the second plurality of data communication protocols (Dureau, [0042], lines 5-15, where it is inherent that the communication protocol will be identified by some identifier, and since there are multiple protocols available, to differentiate there will be at least as many identifiers as protocols); and based on an occasion that the first identifier is not stored in the first function identification table, communicating with the data communication administration server and updating the first function identification table with data from the second function identification table (Dureau, [0046], lines 11-14)”.

The combination of Dureau and Anderson did not explicitly state: “storing a second function identification table including a second plurality of data communication protocols”.

However, Ludtke disclosed: “storing a second function identification table (Col. 3, lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication protocols (Col. 3, lines 10-15, specifically “control protocols”)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific structure to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

34. Claims 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Anderson in view of Lai et al. (Patent No: US 6,407,680 B1).

35. With respect to Claim 12, the combination of Dureau and Anderson did not explicitly state: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected”.

However, Lai disclosed: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected (Col. 9, lines 22-24)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau and Anderson with the selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase.

36. With respect to Claim 13, the combination of Dureau and Anderson did not explicitly state: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of operation conditions close to operation conditions selected by a user are selected”.

However Lai disclosed: “wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of operation conditions close to operation conditions selected by a user are selected (Col. 9, lines 38-39)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau and Anderson with the user selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

37. With respect to Claim 14, the combination of Dureau and Anderson did not explicitly state: “further comprising: an input section operated by a user, wherein, when

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function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected”.

However, Lai disclosed: “further comprising: an input section operated by a user (Col. 9, 38-39, it is implicit that there is some input where the user can make the appropriate adjustments), wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected (Col. 9, 38-39)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau and Anderson with the user selection of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

38. With respect to Claim 15, the combination of Dureau and Anderson did not explicitly state: “wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus, the

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data communication functions that were set when communication was performed therewith last time, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are registered in the previous setting table with respect to the data reception apparatus are selected”.

However, Lai disclosed: “wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus (Col. 9, lines 30-31), the data communication functions that were set when communication was performed therewith last time (Col. 9, lines 26-31), and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are registered in the previous setting table with respect to the data reception apparatus are selected (Col. 9, lines 33-37)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include storing the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data without having to set this configuration data each time audio/visual data is requested. Therefore by combining the data delivery methods of Dureau and Anderson with the storing of optimum configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can

support the increase on subsequent transmissions without having to select the configuration data multiple times.

39. With respect to Claim 16, the combination of Dureau and Anderson did not explicitly state: “wherein, among a plurality of combinations of data communication functions for a single data reception apparatus, one combination is dealt with as basic data communication functions, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the basic data communication functions are selected”.

However Lai disclosed: “wherein, among a plurality of combinations of data communication functions for a single data reception apparatus, one combination is dealt with as basic data communication functions, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the basic data communication functions are selected (Col. 9, lines 22-26, where tests run determine higher data quality is available, but only a slower network connection which would slow down transfer speeds, so a basic data quality may be selected)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include selecting a basic configuration. Motivation to combine these references comes from delivering the basic configuration to devices that can support higher quality data yet have a low speed network where transmission of higher quality

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data is impractical. Therefore by combining the data delivery methods of Dureau and Anderson with the selection of optimum configuration of Lai, one with a slower network can watch media of lower quality in a timelier manner than watching the high quality media.

40. With respect to Claim 20, the combination of Dureau and Anderson did not explicitly state: “wherein the data communication functions that are changed include a data format used by the data generator as corresponding to an optimum packet data length in the data”.

However, Lai disclosed: “wherein the data communication functions that are changed include a data format used by the data generator as corresponding to an optimum packet data length in the data (Col. 20, lines 65-67)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Lai to include selecting an optimum packet data length. Motivation to combine these references comes from delivering data in a format that devices can support and being able to select multiple protocols. Therefore by combining the data delivery methods of Dureau and Anderson with the selection of an optimum packet data length of Lai, devices which do not accept certain size packets will be able to communicate using their accepted packet sizes.

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41. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Anderson in view of Kamiya et al. (US 6,144,887).

42. With respect to Claim 22, the combination of Dureau and Anderson disclosed: “The data transmission apparatus according to claim 1, wherein, when the data communication functions are being changed ([0028], lines 9-15)”. Dureau did not explicitly state: “shutting-down is prohibited”.

However, Kamiya disclosed: “shutting-down is prohibited (Col. 3, lines 39-43, restarting involves power cycling, where power is turned off and then on)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau and Anderson with the teachings of Kamiya to include preventative measures to stop restarts during updating. Motivation to combine these references comes from Kamiya in Col. 2, lines 25-36, specifically “it becomes impossible to carry out loading of the control program and so on with certainty”. Therefore by combining the references the data delivery methods of Dureau and Anderson with the restart blocking of Kamiya it becomes possible to load control programs with certainty.

43. Claims 4, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Ludtke as applied to Claims 3, 7, and 10, and further in view of Kamiya.

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44. With respect to Claims 4, 8 and 11 the combination of Dureau, Anderson and Ludtke did not explicitly state: "shutting down is prohibited when the data transmission apparatus is receiving the contents of the second function identification table or the software program from the data communication administration server, or when the data transmission apparatus is updating the first function identification table or the software program".

However, Kamiya disclosed: shutting-down is prohibited (Col. 3, lines 39-43, restarting involves power cycling, where power is turned off and then on)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods and the storing of data in a specific structure of Dureau, Anderson and Ludtke with the teachings of Kamiya to include preventative measures to stop restarts during updating. Motivation to combine these references comes from Kamiya in Col. 2, lines 25-36, specifically "it becomes impossible to carry out loading of the control program and so on with certainty". Therefore by combining the references the data delivery methods and the storing of data in a specific structure of Dureau, Anderson and Ludtke with the restart blocking of Kamiya it becomes possible to load control programs with certainty.

45. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau, Anderson and Ludtke as applied to Claim 23, and further in view of Lai.

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46. With respect to Claim 24, the combination of Dureau, Anderson and Ludtke did not explicitly state: “an input section operated by a user, wherein, when a plurality of data communication function are provided, the data communication function that is entered via the input section is transmitted from the transmitter/receiver to the data transmission apparatus so as to notify the data transmission apparatus of the data communication function”.

However Lai disclosed: “further comprising: an input section operated by a user (Col. 9, 38-39, it is implicit that there is some input where the user can make the appropriate adjustments), wherein, when a plurality of data communication function are provided, the data communication function that is entered via the input section is transmitted from the transmitter/receiver to the data transmission apparatus so as to notify the data transmission apparatus of the data communication function (Col. 9, lines 11-13)”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods with specific data storage on the devices, of Dureau, Anderson and Ludtke with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods with specific data storage on the devices, of Dureau, Anderson and Ludtke with the user selection of optimum

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configuration of Lai, one can reduce transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

Response to Arguments

47. Applicant's arguments with respect to claims 1, 5, 17-19, 28, 32-33 and 36-38, see pg 19, Claim Rejection - 35 USC 102(e) and Argument: Features of claims not taught by Dureau, have been considered but are moot in view of the new ground(s) of rejection.

48. Applicant's arguments with respect to claims 2-3, 6-7, 9-10, 23, 25-27, 29-31, 34-35 and 39, see pg 20, Claim Rejection - 35 USC 103(a), have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

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MSL
12/6/2008

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451